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Subject: Tier II language for Tier I compliance schedule one  
more time

Hello Julie, Here is the revised language per our discussion this  
morning. Thanks, Marjorie



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## X. COMPLIANCE SCHEDULE

[Insert facility name] is not in compliance at the time of issuance of the Tier I operating permit with the applicable PTC requirements for sources listed in Permit Condition X.1. To bring the facility into compliance with the applicable requirements in the *Rules for the Control of Air Pollution in Idaho*, IDAPA 58.01.01.01, et seq., the permittee shall obtain a combined facility-wide Tier II operating permit and PTC (hereafter referred to as the facility-wide permit) and a modified Tier I operating permit. The specific elements of the compliance schedule are summarized in Table 7.1 and specified in Permit Conditions 7.2 through 7.9.

TABLE 7.1. COMPLIANCE SCHEDULE

PERMIT CONDITIONS	MILESTONE	DEADLINE	DOCUMENTATION / REPORTING
7.2	Submit complete facility-wide permit application information to comply with IDAPA 58.01.01.400 through 470	180 days after issuance of the Tier I operating permit	Completeness letter from the Department
7.3	Concurrently submit complete application information to address the applicable PTC requirements in IDAPA 58.01.01.200 through 223	180 days after issuance of the Tier I operating permit	Completeness letter from the Department
7.4	Submit supplemental application information to address the applicable PTC requirements for any additional sources identified	Within 30 days of a request in writing by the Department during processing of the facility-wide permit	Completeness letter from the Department
7.7	Submit a request to modify the Tier I operating permit with fees	30 days after the facility-wide permit application is found complete	Completeness letter from the Department
7.8	Submit quarterly progress reports	January 1, April 1, July 1, and October 1 of each year	

X.1 The Department identified the following sources as sources that are not in compliance because of failure to obtain a permit to construct prior to construction or modification:

- a
- b
- c

X.2 [insert facility name] shall submit a complete permit application and all additional information requested by the Department for issuance of a facility-wide Tier II operating permit within 180 days of issuance of this Tier I operating permit. The application shall address the requirements for Tier II operating permits in accordance with IDAPA 58.01.01.400 through 470.

[IDAPA 58.01.01.322.10, 4/5/00]

X.3 In addition to the requirements for Tier II operating permits, the facility-wide permit application shall include all of the applicable information and address the applicable requirements for PTCs in accordance with IDAPA 58.01.01.200 through IDAPA 58.01.01.223 for the construction and/or modification of sources for which the permittee was required but did not obtain a PTC. The Department has identified the sources listed in Permit Condition 7.1 as sources that failed to obtain a permit prior to construction or modification.

[IDAPA 58.01.01.322.10, 4/5/00]



- X.4 If through the development of the facility-wide permit, it is determined that the facility should have obtained a PTC or a PTC modification for any other source or sources at the facility, the permittee shall submit a supplemental application that addresses the applicable requirements for PTCs within 30 days of receiving written notification from the Department.

[IDAPA 58.01.01.322.10, 4/5/00]

- X.5 The application submittal deadlines set forth in the compliance schedule may be extended if the permittee clearly demonstrates that additional time is needed to collect new data for submittal of a complete application. Extension requests, with complete information to justify the request, must be submitted in writing to the Department before the midpoint of the milestone timeline. The deadlines may be extended for up to one year through written authorization from the Department.

[IDAPA 58.01.01.322.10, 4/5/00]

- X.6 Upon receipt of a complete application, the Department will draft a single proposed facility-wide permit for the facility. The permit will contain all of the terms and conditions necessary to comply with the applicable requirements for PTCs in accordance with IDAPA 58.01.01.200 through 223 and the requirements for Tier II operating permits in accordance with IDAPA 58.01.01.400 through 470. The permit will clearly identify the origin and basis for each term and condition. The procedures for issuing a PTC under IDAPA 58.01.01.209 shall be followed concurrently with the procedures for issuing a Tier II operating permit under IDAPA 58.01.01.404.

[IDAPA 58.01.01.322.10, 4/5/00]

- X.7 [insert facility name] shall request a modification to their Tier I operating permit within 30 days after the combined facility-wide Tier II operating permit and PTC application is determined complete by the Department. The Tier I operating permit shall be modified to incorporate all applicable requirements of the facility-wide permit and shall be issued concurrently with the facility-wide permit in accordance with the procedures for issuing a Tier I permit in IDAPA 58.01.01.360 through 369.

[IDAPA 58.01.01.322.10, 4/5/00]

- X.8 Until such time that a modified Tier I operating permit is issued pursuant to Permit Condition 7.7, [insert facility name] shall submit a progress report each calendar quarter to the Department stating when each of the milestones and compliance with each condition in the compliance schedule were or will be achieved, and an explanation of why any dates were not or will not be met and a detailed description of any preventative or corrective measures undertaken by the permittee.

[IDAPA 58.01.01.322.10, 4/5/00]

- X.9 This schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

[IDAPA 58.01.01.322.10, 4/5/00]



## **Compliance Schedule Template Failure to Obtain a PTC Technical Memorandum Language**

Pursuant to the information submitted by [insert facility name] in the [insert date of application] Tier I operating permit (Tier I) application and as confirmed by an [insert date of inspection] air quality inspection, [insert facility name] has not obtained permits to construct (PTCs) for construction and/or modification of all emission sources at the facility in accordance with IDAPA 58.01.01.200 through 223. The following sources were specifically identified that were required but did not obtain a PTC:

- A
- B
- C

Other sources at the facility, not specifically identified by the Department during the preparation of the Tier I, may also require a PTC.

Because these sources have been constructed without a permit, the Department has determined that the most appropriate course of action to bring the facility into compliance with the requirements is to issue a single facility-wide permit that:

- (a) specifically establishes the operating terms and conditions required by the PTC rules for sources for which a permit was required but not obtained; and
- (b) collectively addresses the operating terms and conditions required to demonstrate that emissions from all sources at the facility will not contribute to the violation of an applicable standard.

The Department is, therefore, requiring a combined Tier II operating permit (Tier II) and PTC (hereafter referred to as facility-wide permit). The Tier II for [insert facility name] is required in accordance with IDAPA 58.01.01.401.03 based on the determination that specific emission standards, or requirements on operation or maintenance are necessary to ensure compliance with any applicable emission standard or rule. The facility-wide permit will contain the terms and conditions necessary for the facility to comply with the applicable requirements of IDAPA 58.01.01.400 through 470.

The facility-wide permit will also include all of the terms and conditions for new or modified sources. For those sources within the facility that have existing PTCs, the terms and conditions will be incorporated into the new permit. For sources at the facility for which a PTC was required but not obtained, the permit will establish new emission limits, controls, and other requirements in accordance with the applicable portions of IDAPA 58.01.01.200 through 223. The new facility-wide permit will address all applicable emission standards, required emission control technology, and demonstrate that the facility will not cause or contribute to any ambient air quality standard or applicable prevention of significant deterioration (PSD) increment.

The combined Tier II and PTC is different than, and separate from, the Tier I in that the new permit will establish new applicable emission limits, controls, and other requirements that are as stringent as the requirements contained in or enforceable under the state implementation plan. This permit will create new underlying requirements for sources that are in existence at the time the initial Tier I is issued. A Tier I permit modification will, therefore, need to be issued concurrently with the issuance of the new facility-wide permit.

The applicable requirements established in the facility-wide permit pursuant to IDAPA 58.01.01.200 through 223 shall be clearly identified as such in the permit and shall remain in full force and effect until





such time as they are modified in accordance with the procedures for issuing a PTC, until such time as the source is no longer capable of releasing air pollutants, or until they are revoked or terminated by the Department in writing.

The specific compliance schedule elements and milestones to achieve compliance are described below.

**Permit Condition X.2.** The permittee will be required to submit a complete permit application with all supporting information and documentation for issuance of a facility-wide permit in accordance with IDAPA 58.01.01.400 through 470 no later than 180 days from the final issuance date of the Tier I. A facility-wide permit is required by the Department to establish the terms and conditions necessary to comply with an applicable rule or standard. The Department shall consider the emissions from all sources at the facility and the specific requirements for individual sources in preparing the facility-wide operating permit.

The permit application shall clearly identify all emissions units at the facility—listing currently permitted emissions units, exempted units for which the facility maintains exemption documentation, units constructed before and not modified since January 24, 1969, and units constructed and/or modified since January 24, 1969 without a permit or construction approval from the Department. Application information shall provide facility information and emissions data for all emissions units in accordance with IDAPA 58.01.01.402 and 403 and shall include a demonstration that the sources at the facility will not cause or significantly contribute to a violation of the NAAQS or of any applicable PSD increment.

The application submittal deadlines have been set to reasonably accommodate updating and organizing the emissions unit descriptions and emissions data, and conducting ambient air quality modeling for all sources. Applications that are deemed or remain incomplete beyond the 180-day milestone shall constitute a violation of this permit condition.

**Permit Condition X.3.** In addition to the information submitted under Permit Condition X.2, the permittee is required to submit all of the information necessary to address the applicable requirements for PTCs in accordance with IDAPA 58.01.01.200 through 223 for the construction and/or modification of sources for which the permittee was required but did not obtain a PTC. The information must include all information to address the additional permit requirements for new major facilities or major modifications where construction without enforceable limits may have triggered PSD or nonattainment new source review (NSR) requirements.

This data must be submitted with the complete permit application required under Permit Condition X.2 in order to issue a single combined permit. The information is, therefore, due no later than 180 days from the final issuance date of the Tier I. Failure to include complete information for addressing the PTC requirements within the required timeframe shall constitute a violation of this permit condition.

**Permit Condition X.4.** If through the development of the facility-wide permit, any other source or sources are identified that should have obtained a PTC or PTC modification and for which the applicant did not include the information under Permit Condition X.3, a supplemental application that contains all of the information necessary to address the applicable requirements for PTCs in accordance with IDAPA 58.01.01.200 through 223 shall be submitted no later than 30 days after receiving written notification from the Department. Supplemental applications that are deemed or remain incomplete beyond the 30-day milestone shall constitute a violation of this permit condition.

**Permit Condition X.5.** If the permittee can clearly demonstrate that the data required for the facility-wide permit cannot be collected and organized within the specified timeframe, the permit application submittal deadlines may be extended at the discretion of the Department for a specific time period not to exceed one year. For the Department to consider a request for an extension without jeopardizing the terms and conditions of the permit, the request must be submitted by the facility immediately upon determining that the required data is not available. The request should be submitted in writing with a clear demonstration



why the data cannot reasonably be submitted within the specified timeframe. An example of information that might justify an extension is the absence of ambient monitoring data required to complete a PSD application.

The Department will review the request and the justification and approve or disapprove the extension in writing. The responsibility for meeting the schedule if the Department has not issued a written extension belongs to the permittee.

**Permit Condition X.6.** The Department intends to draft and issue a single facility-wide permit to bring the permittee back into compliance. This permit will fully meet all of the applicable requirements in the *Rules* and the federally approved state implementation plan. Because the permit will contain both elements of PTCs and of Tier II permits, it will clearly identify the origin and basis for each term and condition. The terms and conditions established pursuant to the PTC requirements shall be clearly marked and shall not expire with any Tier II operating permit term. The terms and conditions established pursuant to the Tier II requirements shall be clearly marked and shall be implemented in accordance with the Tier II process. The procedures for issuing a PTC in IDAPA 58.01.01.209 shall be followed concurrently with the procedures for issuing a Tier II in IDAPA 58.01.01.404. The permit shall clearly state that any future modification of a term or condition in the permit shall be subject to the appropriate procedural requirements on which the original term or condition was based.

**Permit Condition X.7.** Within 30 days after the facility-wide permit application is determined complete by the Department, the permittee will need to request a significant permit modification to the Tier I in accordance with IDAPA 58.01.01.382.02. A significant Tier I modification will require the payment of fees in accordance with IDAPA 58.01.01.389.06.b.iii. Because the information in a complete application as required under Permit Condition X.2 and X.3 should contain all of the technical information necessary to modify the Tier I, the Department may waive portions of the standard application requirements as appropriate provided the permittee certifies the completeness, truth, and accuracy of all documents submitted.

The Tier I modification shall be processed concurrently with the facility-wide permit in accordance with the procedures for issuing a Tier I in IDAPA 58.01.01.360 through 369.

**Permit Condition X.8.** The permittee shall be required to submit a progress report at the end of each calendar quarter (January 1, April 1, July 1, and October 1) of each year stating when each of the conditions of each milestone were or will be achieved. A detailed explanation is required when milestones were not or will not be achieved in accordance with the schedule.

**Permit Condition X.9.** The incorporation of the compliance schedule into the Tier I operating permit does not sanction noncompliance with the applicable rules.

